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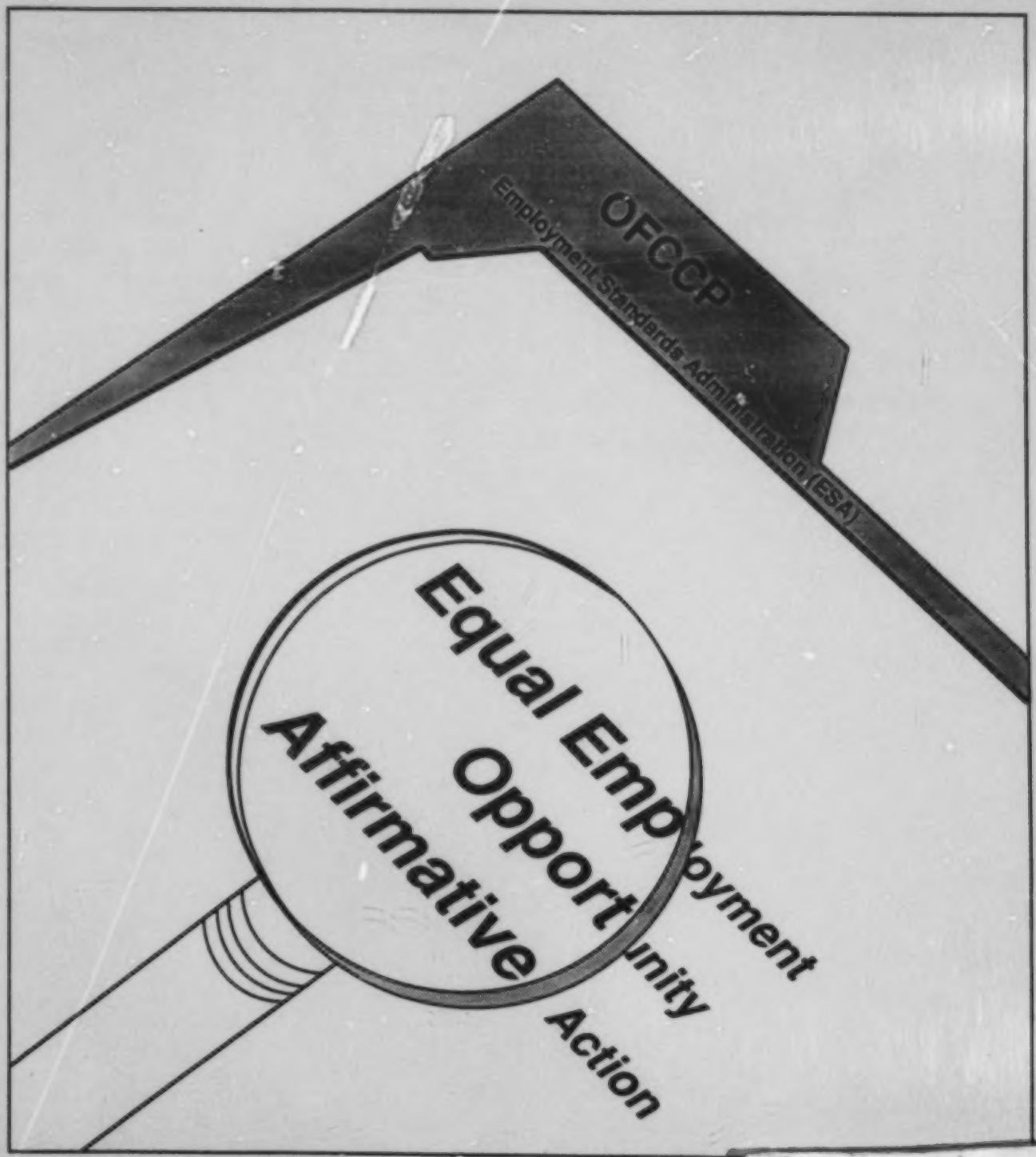
New EOS Orientation Training Participant's Manual

Office of Federal Contract Compliance Programs (OFCCP)
Department of Labor
1989



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New EOS
Orientation/Training

prepared for the

Office of Federal Contract Compliance Programs (OFCCP)
Department of Labor

prepared under

U.S. Office of Personnel Management
Office of Training and Development
Contract Number OPM-87-9034
Work Order Number 6034-024
Cost Code 20-112-0184 RF
ASA Project Number 42-1-6640-201

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2 June 1989

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CHAPTER 1 INTRODUCTION AND OVERVIEW

COURSE OVERVIEW

An Equal Opportunity Specialist (EOS) performs a very important job. The position requires knowledge of detailed information about certain Federal policies, procedures, and regulations. This course is designed to provide that information in a clear and understandable format.

During this course,

- Leaders and top managers in the field will discuss their philosophy and commitment.
- Community agencies will describe their roles and how they relate to the OFCCP.
- Instructors will share "real life" experiences from the field.
- The Office of Federal Contract Compliance Programs (OFCCP) will be described, along with the Executive Order, the Acts, and the regulations which form the underpinnings of OFCCP.
- "Hands on" time will be provided to learn about the tools of the trade: Affirmative Action Program (AAP), Standard Compliance Review Report (SCRR), desk audit and onsite investigation of a supply and service compliance review.
- Both supply and service and construction reviews will be covered as well as complaint investigations.
- Helpful hints will be offered on conducting reviews and investigations.
- Conciliation and the enforcement process will be clearly described with the assistance of the Office of the Solicitor of Labor.

The structure of this course will allow for give and take through questions and answers and the sharing of personal experiences. This course will provide the tools and aims to instill the confidence needed to be a competent and capable EOS.

PARTICIPANT'S MANUAL

This Participant's Manual highlights information from the course and generally follows the course outline. There is a chapter for each section of the course which provides an overview of the material that will be covered. On the left side of the page are reference sources that provide more in-depth information. The Code of Federal Regulations (CFR), 41 CFR Chapter 60, and the OFCCP Federal Contract Compliance Manual (FCCM) are basic training documents and will be used throughout this training. In the Participant's Manual, references to "chapters" refer to chapters found in the FCCM. The references to Chapter 60 of the CFR will appear in this format: 41 CFR Part 60-20 or 41 CFR Part 60-3. Individual sections of the regulation will appear in this formal 41 CFR 60-2.11. A copy of the regulations will be one of your handouts.

HISTORY AND MISSION

Executive Orders aimed at ending job discrimination by Federal Government contractors have been in existence since June 25, 1941, when President Roosevelt signed Executive Order 8802. This Executive Order outlawed discrimination based on race, color, creed, and national origin in the Federal Government and in war industries. It was issued during a state of emergency (shortly before U.S. entry into World War II), when a labor shortage threatened to curtail production of armaments and supplies. The signing was also in response to a movement led by A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters. The movement called for an end to job discrimination and threatened a march on Washington, D.C. if that demand was not met.

President Roosevelt appointed a five member Committee to administer Executive Order 8802, but it was without enforcement power. Despite this weak beginning, some measurable progress was made in utilizing minorities in jobs previously reserved for Whites. In addition, the acute shortage of workers caused by the war resulted in women being employed in many non-traditional jobs. Much of this progress in the employment of women and minorities was reversed following World War II when the veterans, whose job rights and seniority were protected by law, returned to reclaim their jobs.

From the very beginning, Executive Order 8802, as well as its successor. Executive Order 9346, faced strong congressional opposition. This opposition culminated in the Russell Amendment, enacted by Congress in 1944. The Russell Amendment prohibited the funding of agencies created by Executive Orders which existed for a period of more than one year. This produced a six year hiatus in Executive Order activity on fair employment.

Then in December 1951, President Truman issued Executive Order 10308 creating the Committee on Government Contract Compliance. Executive Order 10308 and its successors remained on tenuous economic and political footing because they were funded outside the regular budgetary process and were therefore vulnerable to Congressional appropriation riders which could terminate them at any time.

Only after President Kennedy issued Executive Order 10925 (signed March 6, 1961) did a Presidential Committee take on real enforcement power. Under Executive Order 10925, contractors were obligated for the first time to take affirmative action to ensure equal employment opportunity for applicants and employees. Both the Committee, chaired by Vice-President Johnson, and the designated contracting agencies, had the authority to:

- Publish the names of violating contractors or unions
- Recommend administrative proceedings
- Terminate contracts
- Debar contractors
- Issue Certificates of Merit.

The Federal contracting agencies were given the primary responsibility for obtaining compliance with the rules, regulations, and orders of the Committee.

The next Executive Order of significance was Executive Order 11246, signed on September 24, 1965 by President Johnson. This Order transferred to the Secretary of Labor the responsibility and authority originally assigned to the President's Committee. However, the fragmented structure of Executive Order 10925 (with enforcement being housed in the contracting agencies) was retained. Executive Order 11375, signed October 13, 1967, amended Executive Order 11246 to add sex as a prohibited basis for discrimination and affirmative action.

OFCC

The Secretary of Labor issued an Order creating the Office of Federal Contract Compliance (OFCC) to administer the Executive Order program. OFCC was responsible for development of policy and program regulations as well as oversight of the contracting agencies. Authority was somewhat centralized since policy directions, program priorities, and regulations now emanated from a central source in the OFCC. However, many of the problems inherent in 10925 still remained because the primary enforcement responsibility was still with the contracting agencies.

The fragmented structure led to many administrative and compliance problems. Until January 1, 1970, compliance responsibility for supply and service contracts was assigned on the basis of the "primary interest agency" concept. Under this system the agency with the largest dollar value of contracts with a given firm was responsible for the compliance of that

firm and its facilities. Therefore, compliance responsibility for a firm changed whenever the firm received a larger contract from a different agency. When one agency ceased its monitoring of a given firm, the records and reports associated with the contractor were transferred to the new receiving agency. As a result, much time and effort was wasted.

In 1973 and 1974 Congress passed two laws which resulted in additional duties and responsibilities being assigned to the OFCC. Section 503 of the Rehabilitation Act of 1973 required Federal contractors and subcontractors to take affirmative action in employment on behalf of individuals with handicaps. The Vietnam Era Veterans' Readjustment Assistance Act of 1974 required affirmative action for Vietnam era veterans and certain disabled veterans. As a result of the addition of these two programs, the title of OFCC was changed to the Office of Federal Contract Compliance Programs (OFCCP).

OFCCP

The sheer number of compliance agencies continued to make it difficult for OFCCP and the Department of Labor to exercise efficient management control. As of fiscal year 1977 there were 16 such compliance agencies. Moreover, the management systems of several of these Executive Agencies and departments allowed their subagencies to exercise a degree of authority ranging from semiautonomous to completely independent. Consequently, for all practical purposes, there were 33 compliance agencies rather than 16. With such an extended scope of responsibility, OFCCP was confronted with enormous program management problems.

On October 5, 1978, President Carter signed Executive Order 12086 which consolidated all of the contract compliance functions under OFCCP. For the first time the program would be operated by full time compliance personnel under one office, with a uniform set of rules, regulations, procedures, and training tools.

OFCCP began fiscal year 1979 with a complete reorganization. OFCCP's staff of about 200 grew to over 1300 employees in a nationwide network of 81 offices in 63 cities.

Also during fiscal year 1979, OFCCP embarked on an ambitious effort to bring its newly centralized enforcement of equal employment opportunity requirements in line with more sophisticated and pressing workforce needs. Reforms were initiated in virtually every area of the program's operations, enforcement, and policy activities. Confusion and inconsistency, so often faced in the past by both Federal contractors and their employees, were largely eliminated.

A major step in the unification of the program was the issuance of the first Federal Contract Compliance Manual (FCCM) in 1979. Through the FCCM and a newly established Directives System, a uniform system of policies and procedures was established.

Today, more than 10 years after the consolidation of the program, OFCCP has matured to an efficient and effective law enforcement agency. Immediately following consolidation, the OFCCP staff consisted of persons from many different agencies, each with his or her own understanding of agency policy and procedures based upon his or her previous agency's position. To ensure consistency among this diverse group, authority in the newly consolidated program was centered in the OFCCP Director. Today, in recognition of the uniformity achieved in the program, authority has been redelegated to field managers to resolve compliance reviews, settle cases, and recommend enforcement where required.

Accomplishments

OFCCP is proud of recent developments and successes:

- Having played a major role in integrating minorities and women into the American workforce, OFCCP is taking steps through its corporate initiative to ensure that affirmative action is utilized to advance these groups to the highest levels of the executive suite.
- OFCCP has recognized AIDS as a covered handicap under Section 503 of the Rehabilitation Act, as amended.
- To ensure OFCCP's present and future excellence, the OFCCP Academy has been established. The Academy provides for a continuing course of study and training, imparting knowledge and skills second to none.
- On the technological front, OFCCP continues to acquire and integrate into its operations the latest in computer technology.
- A new FCCM, designed to be amended as policy evolves, has been developed.

Challenges

The roots of OFCCP go back to the great struggles of World War II. Today, we are faced with different, but no less significant, struggles. America faces many challenges, among them:

- Integrating many diverse people into a productive and competitive workforce
- Addressing drugs and alcohol in the workplace
- Assisting individuals with handicaps to become gainfully employed
- Assisting the Vietnam era and disabled veteran.

All of these, and more, are part of the OFCCP mission and challenge.

FUNCTIONS OF OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

The OFCCP is charged with ensuring that covered contractors who do business with the Federal Government abide by certain conditions:

- To not discriminate in employment matters on the basis of race, sex, religion, national origin, color, handicapped or veteran status
- To provide equal employment opportunity to all persons in such covered groups
- To take affirmative action to accomplish these objectives.

The programs administered by OFCCP include:

- Executive Order 11246, as amended, dated September 24, 1965. The EO prohibits discrimination (by covered contractors) against a person because of that person's race, color, sex, religion, or national origin and requires affirmative action.
- Section 503 of the Rehabilitation Act of 1973, as amended. Section 503 requires affirmative action in employment by covered contractors for individuals with handicaps.
- 38 USC 2012 (Vietnam Era Veterans' Readjustment Assistance Act of 1974). 38 USC 2012 requires affirmative action in employment by covered contractors for special disabled and Vietnam era veterans.

The enforcement of the three programs is carried out through the conduct of compliance reviews and complaint investigations. The compliance review involves a review of a covered contractor for compliance with the requirements of all three programs, whereas a complaint investigation involves only the program under which the complaint is filed, e.g., an individual with a handicap files under Section 503. If a person is alleging discrimination because of his or her race, sex, etc., and does not allege *class* discrimination, that person's complaint would be referred to the Equal Employment Opportunity Commission (EEOC) as OFCCP does not normally investigate individual discrimination complaints filed under the Executive Order.

ORGANIZATIONAL STRUCTURE

ESA/OFCCP

The OFCCP is part of the Employment Standards Administration (ESA) which is part of the Department of Labor. The national headquarters of OFCCP, located in Washington, D.C., gives direction for a unified, nationwide compliance program and supports this effort through the issuance of policy, planning, resource allocation, training, and a variety of other vital functions. To handle these tasks the National Office depends on the Division of Program Operations, the Division of Policy, Planning and Review, and the field network.

Field Network

Because OFCCP is national in scope, it requires a strong field office network. The field network is comprised of ten Regional Offices, many District Offices and a few Area Offices. Regional Offices are located in ten cities: Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City (MO), Denver, San Francisco, and Seattle. Heading each regional office is a Regional Director who represents the Director of OFCCP.

Each Regional Office supervises several District Offices which are headed by District Directors.

See the organizational charts in the Resource Information section for more information on the structure of the:

- Department of Labor (DOL)
- Employment Standards Administration (ESA)
- ESA Prototype Regional Organization
- Office of Federal Contract Compliance Programs.

POSITION DESCRIPTION

The job of the EOS is to ensure that Federal contractors and subcontractors and federally assisted construction contractors and subcontractors are in compliance with the applicable OFCCP laws and regulations. The EOS has responsibility for reviewing the employment practices, policies, and affirmative action efforts of covered contractors and subcontractors. Compliance reviews and complaint investigations are the means used to ensure that equal employment is afforded to covered groups. Through compliance reviews, complaint investigations, and monitoring reports it can be determined if covered contractors are fulfilling their equal employment opportunity and affirmative action obligations. Assistance to Federal contractors, complainants, and community organizations is also an integral part of the EOS' responsibilities.

Grade Structure

The EOS position is a career ladder professional position. The grade structure includes trainee, journey, and senior levels. At each level the EOS performs compliance review, complaint investigation, monitoring, and technical assistance activities. As the grade level and expertise increase, the scope of responsibility and independent performance is expanded.

Duties/Skills

Essential qualities for the job are:

- Leadership skills
- The ability to:
  - Independently conduct compliance reviews, complaint investigations, and Conciliation Agreement/Letter of Commitment monitoring
  - Provide technical assistance
  - Relate to people
  - Negotiate/conciliate.

Job Functions

Approximately eighty-five percent (85%) of the EOS' job consists of conducting compliance reviews of covered contractors and subcontractors.

This includes compliance reviews of:

- Supply and service contractors
- Construction contractors.

The remaining fifteen percent (15%) of the EOS' duties involve investigating complaints from individuals or groups of individuals alleging that a covered contractor has discriminated in its employment practices. Individual complaints covered under 38 USC 2012 (Veterans) and Section 503 (Handicapped) are reviewed by OFCCP, as are complaints alleging class discrimination under the Executive Order. NOTE: As indicated earlier (page 9), individual complaints alleging discrimination under the Executive Order, are generally referred to EEOC for processing pursuant to a 1981 Memorandum of Understanding between the agencies.

EOS Assignments

Actual assignments are made such that the EOS, depending on grade level, performs various phases or segments of a compliance review or complaint investigation. At all levels these assignments typically involve the following:

- Selecting and preparing well-defined employment data in a given format
- Monitoring VETS-100 forms and conducting I-9 inspections
- Analyzing data relevant to the compliance review or investigation
- Preparing narrative reports, Conciliation Agreements, and other written material.

Resources

The basic resources used in the performance of the job are:

- Regulations, 41 CFR Chapter 60
- Federal Contract Compliance Manual (FCCM)
- Community contact resource material
- Population statistics and current employment trends data
- Administrative and Federal court case material.

Tools

The EOS is responsible for reporting and tracking the progress of individual case work. The principal tools used for this are:

- Compliance Review Information System (CRIS) for tracking compliance review progress
- Complaint Administration System (CAS) for tracking complaint investigation progress
- Time Reporting Information System (TRIS) for reporting all hours expended on all daily activities and reported weekly.

(See Chapter 5 on Management Process and Administrative Procedures for more information on these systems.)

ETHICAL CONDUCT

It is crucial to act in a professional manner at all times. It is imperative that the EOS be a neutral gatherer of facts in order to function as an **objective and unbiased** investigator. The crux of the entire job is to objectively seek out the truth and reality of any given situation. As a professional investigator it is important to:

- Avoid premature conclusions
- Adhere to the regulatory requirements
- Refuse to advocate for or represent any one side or any particular group
- Withhold personal opinions.

As a professional EOS it is very important to be open, honest, and above board at all times. An EOS represents the U.S. Government and the Department of Labor. Even the appearance of conflict of interest must be avoided. Any of the following behaviors could compromise both departmental and personal integrity:

- Accepting gratuities from contractors
- Ethnic, racist or sexist humor or improper remarks either onsite or in the office
- Misuse of government car, phone, time sheets, travel vouchers
- Holding a conflicting off-duty occupation
- Seeking a job offer from a contractor.

Remember that all confidential information received from the contractor, the complainant, or any other source must remain confidential.

For other important information on the role of the EOS refer to the publication, *An Ethics Handbook for Department of Labor Employees*. It provides important guidance for situations an EOS might encounter.

There are other agencies - national, state, local, and community - which have objectives similar to OFCCP. They seek to eradicate discrimination by investigating and resolving complaints. Some also have the authority to require affirmative action programs. These groups should be contacted during OFCCP investigations. It is important to know who these groups are, what responsibility they have, and how they interface with OFCCP.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Equal Employment Opportunity Commission (EEOC) seeks to eliminate discrimination based on race, color, religion, sex, national origin, or age in hiring, promoting, firing, setting wages, testing, training, apprenticeship, and all other conditions of employment. EEOC also oversees compliance and enforcement activities relating to equal employment opportunity among Federal employees and applicants, including handicap discrimination.

OFCCP and EEOC adopted a Memorandum of Understanding, effective January 23, 1981. This memorandum contains provisions, among others, for:

- Sharing equal employment opportunity information between the two agencies
- Developing procedures to notify each other and consult on cases to minimize duplication
- Handling employment discrimination complaints.

The impact of this understanding is that, for the most part, OFCCP investigates and resolves all Executive Order complaints of a systemic or class nature that it receives and it refers individual Executive Order complaints to EEOC.

VETERANS' EMPLOYMENT AND TRAINING SERVICE

The Veterans' Employment and Training Service (VETS) is the part of the Department of Labor administered by the Assistant Secretary for Veterans' Employment and Training. The Assistant Secretary advises the Secretary on all procedure, policy, and regulation matters affecting veterans. These include:

- Ensuring that Federal contractors comply with their veterans' reemployment regulations
- Working with State Employment Security Agencies to ensure that veterans are provided with the priority services required by law.

Administered through VETS is the Job Training Partnership Act (JTPA), Title IV, Part C grant program. Among other purposes, this program is designed to meet the employment and training needs of service-connected disabled veterans, Vietnam era veterans, and veterans recently separated from military service.

On October 8, 1987, VETS and OFCCP signed a Memorandum of Understanding which states that:

- OFCCP will notify VETS field staff prior to conducting compliance reviews in order to request available information pertinent to the review
- OFCCP will monitor contractors' compliance with the requirement to file the VETS-100 form

STATE AND LOCAL AGENCIES

The policies and practices of employers, unions, employment agencies, and other employing entities must take into account state and local, i.e., city and county, fair employment practice (FEP) laws. These state or local laws establish:

- Who is covered
- The types of discrimination prohibited
- Affirmative action
- The types of practices regulated
- The procedures to take if the laws are not followed.

Most states have a broad-based FEP law that parallels the Federal rules in Title VII of the Civil Rights Act and the Age Discrimination in Employment Act.

Many states and local jurisdictions also have special laws governing:

- Handicap discrimination
- Discrimination in state employment
- Regulation of government contractors.

These laws can differ widely from each other and may or may not mirror Federal law.

State and local Human Rights Commissions monitor these laws and investigate complaints of discrimination.

COMMUNITY GROUPS

There are community-funded groups which are concerned with equal employment opportunity and affirmative action. They are also important sources of recruitment for contractors. Their presence may vary from community to community. Some significant ones are:

- Tribal Employment Rights Offices (TERO)
- Urban League
- Operation SER (Service, Employment and Redevelopment)-Jobs for Progress

- LULAC (League of United Latin American Citizens).
- Organization for Chinese Americans
- Women in Construction.

CONTACT

Plan to be in touch with these or other groups on a regular basis in order to maintain an open and on-going relationship. See The Role of the EOS in this manual for guidance on appropriate conduct.

CONTRACT COMPLIANCE

The OFCCP program is based upon government contracts. Only those employees holding government contracts or subcontracts (or federally assisted construction contracts or subcontracts) are subject to the Executive Order, Section 503, and 38 USC 2012.

Equal employment opportunity and affirmative action covered by OFCCP should not be confused with civil rights laws which are administered by other agencies, e.g., Title VII of the Civil Rights Act of 1964 which applies to all employers with 15 or more employees.

The OFCCP enforces three laws:

- Executive Order 11246, as amended
- Section 503 of the Rehabilitation Act of 1973, as amended
- 38 USC 2012, of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

The equal employment opportunity and affirmative action requirements of the Order and the Acts cover all aspects of employment, including recruitment, hiring, training, pay, seniority, promotion, and even benefits.

In all employment areas, Federal contractors and subcontractors as well as federally assisted construction contractors and subcontractors must ensure that covered groups do not suffer discrimination. They must also guarantee positive affirmative actions to hire and promote members of those groups.

REFERENCE SOURCES

There are five main sources of program requirements and interpretations in addition to the Executive Order and Acts. These are:

- Federal Register
- Code of Federal Regulations
- Federal Contract Compliance Manual
- Directives System
- Administrative and court decisions.

Regulations are the legal means of implementing and enforcing laws or executive orders. Regulations are written by an agency and published in the Federal Register. They are also republished annually, with any changes and updates, in the Code of Federal Regulations. Substantive regulations must be published for public comment before adoption.

The **FEDERAL REGISTER** is a daily publication of the Federal Government. It contains notices, proposed and final rules (regulations), and other matters which the government feels should be disseminated to the general public.

The **CODE OF FEDERAL REGULATIONS (CFR)** is an annual compilation of final, i.e., approved and effective, regulations issued by all Federal agencies.

The **FEDERAL CONTRACT COMPLIANCE MANUAL (FCCM)** is one of the major sources of information and guidance for the conduct of compliance reviews and complaint investigations. The manual is organized into eight chapters. The FCCM contains OFCCP's policies interpreting its regulations.

OFCCP's **DIRECTIVES SYSTEM**. Current directives are incorporated into two binders.

1. Administrative Practices Binder contains those directives which primarily affect internal OFCCP management, including procedures followed by the National and Regional offices.

2. Legal Opinions and Case Summaries Binder is the repository of selected Administrative Law Judge recommended decisions and final decisions and orders of the Secretary of Labor and Assistant Secretary for Employment Standards.

EXECUTIVE ORDER

Executive Order 11246, as amended by Executive Order 11375, prohibits Federal contractors and subcontractors as well as federally assisted construction contractors and subcontractors from discriminating in employment based on race, color, sex, religion, or national origin. It also requires that all such contractors take affirmative action to ensure equal employment opportunity for minorities and women.

Among those covered by the Executive Order are contractors and subcontractors who:

- Do over $10,000 in government business
- Have government bills of lading in any amount
- Serve as Federal depositories
- Act as issuing and paying agents for U.S. Savings Bonds and Notes
- Participate in certain Federal insurance programs.

SECTION 503

Section 503 of the Rehabilitation Act of 1973, as amended, requires that covered employers take affirmative action to hire and promote qualified individuals with handicaps. Such action covers the full range of employment and personnel practices. Federal contractors are also required to make reasonable accommodations to the physical and mental abilities of qualified individuals with handicaps. The OFCCP regulations implementing the Act are at 41 CFR Part 60-741.

Covered employers are those with a Federal contract or subcontract to provide personal property or supplies or services, including construction, in excess of $2,500.

Individuals with handicaps are those who either:

- Have a physical or mental impairment which "substantially limits" one or more major life activity
- Have a record of such impairment, or
- Are regarded as having such an impairment.

An individual with a handicap is "substantially limited" if he or she is likely to have difficulty in securing, retaining, or advancing in employment because of a handicap. Amendments have added drug or alcohol abuse as a possible handicap, and any communicable disease if it does not affect others and the person can still do the job. AIDS is recognized as a handicapping condition.

38 USC 2012

38 USC 2012 requires that covered employers take affirmative action to hire and promote qualified Vietnam era veterans and special disabled veterans of all wars. The law covers the full range of employment and personnel practices. The OFCCP regulations implementing the Act are at 41 CFR Part 60-250. As

part of their affirmative action obligations, contractors must list suitable job openings with the local office of state employment service. These offices must give veterans priority when making referrals for job openings.

Covered employers are those with a Federal contract or subcontract to provide personal property or supplies or services, including construction, for $10,000 or more.

Vietnam era veterans include persons who served on active duty for at least 180 days, any part of which occurred between August 5, 1964 and May 7, 1975. Veterans in this group must have received other than a dishonorable discharge. They are covered through December 31, 1991.

Special disabled veterans are those who meet any of the following conditions:

- Are entitled to receive at least 30 percent disability compensation under laws administered by the Veterans Administration
- Were discharged from active duty because of disability received or aggravated in the line of duty
- Are entitled to receive 10 to 20 percent disability if determined under 38 USC 1506 to have a serious employment handicap.

REPORTING REQUIREMENTS

There are specific reporting and recordkeeping requirements which apply to contractors covered by the Executive Order and the Acts. These are discussed in the appropriate subsections of this manual.

REGULATIONS

41 CFR Chapter 60 contains the regulations implementing the Executive Order and Acts. The regulations are very important and should be read and reviewed regularly.

The main regulations are:

41 CFR Part 60-1

Obligations of Contractors and Subcontractors [Executive Order]

41 CFR Part 60-1 is divided into three subparts.

Subpart A includes:

- Purpose of the regulations
- Definitions
- Equal opportunity clauses
- Exemptions
- Reporting requirements
- Facility non-segregation requirement.

Subpart B is concerned with general enforcement, compliance review, and complaint procedures.

Subpart C contains "ancillary matters": basic affirmative action program requirements, implementation of the equal opportunity clause, and OFCCP access to records.

41 CFR Part 60-2

Affirmative Action Programs [Executive Order]

41 CFR Part 60-2 provides a description of the required ingredients in an Executive Order Affirmative Action Program. The regulations in this Part are some of the most important to know and understand.

41 CFR Part 60-2 is divided into four subparts.

Subpart A contains general information on purpose and scope of the AAP. It also describes certain actions, i.e., conciliation and Show Cause Notice, to be taken when non-compliance is identified during a compliance review, and includes a provision for remedies, including back pay.

Subpart B contains the required contents of Affirmative Action Programs:

- Purpose of the AAP
- Required Analyses, the heart of the AAP, which includes:
  - Utilization analysis
  - Workforce analysis
  - Development of job groups
  - Calculation of availabilities for minorities and women
- Establishment of goals and timetables
- Additional required ingredients.

Subpart C contains methods that may be used by contractors to implement the requirements of Subpart B. These methods are not required. They can provide a source of actions to which a contractor can commit as part of its good faith efforts. They may also provide a useful benchmark for measuring what implementation actions the contractor has taken.

Section D includes several miscellaneous items.

41 CFR Part 60-4

Construction Contractors - Affirmative Action Requirements [Executive Order]

These regulations apply to all contractors and subcontractors holding any Federal or federally assisted contract in excess of $10,000.

41 CFR 60-4.2 requires that a standard "Notice of Requirement for Affirmative Action..." be included in all solicitations for offers and bids on all covered construction contracts and subcontracts. It details what the notice must include.

The Standard Federal Equal Employment Opportunity Construction Contract Specifications are found at 41 CFR 60-4.3. These specifications are a set of performance requirements for covered construction contractors and provide the means for evaluating a construction contractor's affirmative action efforts. They include the "16 affirmative action steps" for construction contractors.

41 CFR 60-4.4 and 41 CFR 60-4.5 discuss affirmative action and Hometown Plans, a means by which contractors can "pool" their efforts to meet their affirmative action obligations.

Goals for minorities and women in the construction trades are authorized by 41 CFR 60-4.6. Goals are set forth in a separate notice issued by the OFCCP director.

41 CFR Part 60-250

Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era

These regulations implement 38 USC 2012, the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

This Part is divided into three subparts and two appendices.

Subpart A covers preliminary matters, the affirmative action clause, and the required contents of AAPs.

Subpart B is concerned with general enforcement matters, including complaint procedures. It includes a provision that allows contractors 60 days for internal review of complaints. It also includes the requirement that the affirmative action clause be included in non-exempt subcontracts.

Subpart C covers "ancillary matters", notably, intimidation and interference, record keeping, and access to records. Two appendices provide a sample form for an invitation to self identification and suggested guidelines to comply with self analysis requirements.

41 CFR Part 61-250

Annual Report from Federal Contractors

These regulations require contractors to file the VETS-100 form annually.

41 CFR Part 60-741

Affirmative Action Obligations of Contractors and Subcontractors for Handicapped Workers

This Part is divided into three subparts in the same manner as the veterans regulations. The regulations in both Parts are quite similar. For example, in both 41 CFR Part 60-250 and 41 CFR Part 60-741 contractors are required to:

- Invite all applicants and employees to identify themselves as covered individuals, i.e., with a handicap or as a special disabled veteran or Vietnam era veteran
- Develop, maintain, and implement a written AAP if the 50 employee, $50,000 contract threshold is reached
- Post the hours and location of the availability of the AAP for inspection.

Under 41 CFR Part 60-250, contractors are required to list all suitable employment openings with the State Employment Service.

41 CFR Part 60-3

Uniform Guidelines on Employee Selection Procedures

These regulations cover the following requirements:

- Record keeping
- Adverse impact analysis
- Validation of selection procedures.

Each contractor with 100 or more employees must maintain and have available information on the impact of its selection procedures e.g., tests, on employment opportunities of persons identified by sex and by each of the five racial/ethnic categories. For each job, there must be information on the adverse impact of the selection process for that job. When a selection process is determined to have an adverse impact, the contractor is required to provide evidence of validity. Contractors with 100 or fewer employees have limited record keeping requirements.

41 CFR Part 60-20

Sex Discrimination Guidelines

This Part provides guidelines and interpretations to covered contractors in applying the non-discrimination and affirmative action requirements of the Executive Order, as they relate to gender. If the contractor has a disability leave policy, the policy must cover employees for maternity leave. In addition, contractors must provide equal benefits based on equal costs for men and women.

41 CFR Part 60-50

Guidelines on Discrimination Because of Religion or National Origin

This Part requires covered employers to provide equal employment opportunities and affirmative action to applicants and employees without regard to religion or national origin. In addition, employers must provide reasonable accommodation for religious observances and practices.

41 CFR Part 60-30

Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 (Administrative Procedures)

This Part provides the rules governing enforcement hearings instituted by the OFCCP.

41 CFR Part 60-40

Examination and Copying of Documents

This Part describes what information regarding compliance reviews and complaints OFCCP may disclose to private parties and how it is to be requested by interested parties. However, it has been superseded by case law and is no longer used.

41 CFR Part 60-60

Contractor Evaluation Procedures for Contractors for Supplies and Services

Known also as Revised Order No. 14, the original version of this Part was written prior to consolidation and was intended to provide a uniform set of compliance review procedures for the compliance officers employed by the various agencies. At consolidation in 1978 it was modified to apply to the present program structure. This is where the 60-day time frame for completing compliance reviews is found.

CHAPTER 5 MANAGEMENT PROCESS AND ADMINISTRATIVE PROCEDURES

MANAGEMENT PROCESS

Budget Planning/ Accountability

The ESA/OFCCP management process is a unified system which integrates all aspects of the management loop, from policy development through program accountability. Each functional component of the process:

- Continuously influences the other components
- Provides feedback to managers and policy makers
- Permits both timely monitoring of performance and timely adjustment to changing conditions.

The budgeting/planning/accountability process is evolutionary and repetitive in nature. Operational goals are influenced by:

- Previous program performance
- Management's assessment of emerging trends and issues
- Commitments made in the budget submission
- New initiatives to be undertaken.

Budget Formulation

Budget planning states to the Secretary of Labor, the Office of Management and Budget (OMB), and the Congress how new goals and objectives will be accomplished and specifies required fiscal resources. The budget formulation process begins 19 months before actual enactment.

Operational Planning

When the budget submission is completed and forwarded to the Department, attention turns to operational planning for the approaching fiscal year. This planning reflects specific short-term goals as well as commitments made in the budget developed approximately two years before.

Accountability

This stage in the process consists of components that assure that key activities are reviewed and evaluated in terms of the budget and operational plans.

Two components that affect the field are:

- Quarterly Review and Analysis (QR&A) reports and the automated Performance Monitoring System (PMS)
- Onsite assessment (Quality Audits, Accountability Reviews, etc.).

The Review and Evaluation of Accomplishments:

- Identify deviations from plans
- Provide feedback to managers on progress toward meeting goals and objectives
- Enable managers to develop appropriate corrective actions.

OFCCP uses several information systems to select contractors, to track progress and to report accomplishments.

ADMINISTRATIVE PROCEDURES

Contractor Selection

The OFCCP system for the selection of supply and service contractors is known as the Equal Employment Data System or EEDS. The EEDS is based on the Employer Information Reports (EEO-1) submitted annually to the Joint Reporting Committee, a cooperative effort between OFCCP and EEOC. The EEO-1 reports provide race, sex, and national origin data on the incumbent employees of most employers.

MONITORING/TRACKING SYSTEMS

CRIS

The Compliance Review Information System (CRIS) is designed to track and monitor the processing of both construction and supply and service compliance reviews conducted by OFCCP.

CRIS offers a 24 hour report cycle. Data entered one day will be processed overnight and requested reports will be available to the National and/or District Office the next day.

CAS

The Complaint Administration System (CAS) is designed to track and monitor the processing of complaints filed with the OFCCP.

The CAS provides routine and specialized reports to the OFCCP National, Regional, and District Offices.

TRIS

The Time Reporting Information System (TRIS) is designed to provide one standardized mechanism to record hours expended on program activities.

The TRIS provides routine and specialized reports to the OFCCP National, Regional, and District Offices.

CHAPTER 6 OVERVIEW OF COMPLAINT INVESTIGATION PROCESS

OVERVIEW

Chapter 6
FCCM

One of the responsibilities of the OFCCP is investigating complaints alleging employment discrimination. Complaint investigations are generally conducted when OFCCP has received a written complaint against a contractor and jurisdiction has been established.

OFCCP does not investigate individual complaints alleging violation of the Executive Order but refers them to the Equal Employment Opportunity Commission (EEOC) for investigation under the EEOC/OFCCP Memorandum of Understanding.

Complaint Investigation Functions

The five basic functions of the complaint investigation are to:

1. Review the complainant's allegations against a covered contractor
2. Evaluate the contractor's employment policies and practices as they relate to allegations raised in the complaint
3. Determine the merits of the complaint
4. As necessary, obtain remedies for any discriminatory acts identified during the complaint investigation through an appropriate closing document, i.e., a Conciliation Agreement.

COMPLAINT FILING

Chapter 6C
FCCM

A complaint is usually filed in a letter explaining the circumstances which the person believes caused him/her harm. The filing must indicate:

- The employment activity or action believed to be discriminatory, e.g., "failure to hire"
- The basis for the filing, e.g., "not hired because of disability"
- When the action occurred (complaints must be filed within 180 days of the alleged discriminatory act unless the time is extended for good cause shown).

A complaint may be filed at any OFCCP office, e.g., National Office, District Office. It is date stamped when received. This date will be used to determine if the complaint was filed in a timely manner.

The complaint is then sent to the Regional Office which has geographic jurisdiction over the area in which the identified contractor is located. The Regional Office reviews the complaint and determines whether OFCCP should accept it for investigation. The complainant may be contacted at this time for additional or missing information.

A complaint accepted for investigation must include the following elements:

- The act complained of is an employment action
- There is an alleged or apparent violation of the Executive Order, Section 503, or 38 USC 2012
- The company is a covered contractor or subcontractor subject to the jurisdiction of OFCCP
- The complaint was filed within 180 days or the time was extended for good cause shown.

COMPLAINT ADMINISTRATION SYSTEM

Chapter 6D
FCCM

The Regional Office assigns a number to the complaint and enters it in the Complaint Administration System (CAS), which tracks and monitors the processing of complaints filed with OFCCP.

If the technical requirements have been met, the Regional Office sends the complaint and its supporting documentation to the District Office for investigation.

PREPARATION FOR INVESTIGATION

Upon receipt of an assigned complaint in the District Office, a file is established. This file contains all documents, correspondence, interview notes, and records of phone calls pertaining to the complaint. Once the investigation is completed, this file must contain sufficient documentation to support the finding, whether of violation or no violation.

Investigative Plan

A complaint is an allegation of discrimination. The investigation of this allegation determines if, in fact, discrimination occurred. Chapter 7 discusses discrimination for Executive Order situations.

Chapter 6F FCCM

For every complaint an investigative plan is developed. This plan serves as a road map for the conduct of the investigation. Discussions with the supervisor will assure that the plan is thorough. As the investigation progresses, this plan is refined or revised based on new information. The plan should identify:

- The full complaint allegations
- Individuals to be interviewed
- Documents to be obtained
- Records to be reviewed
- Other agencies to be contacted
- Additional information needed.

Complainant Interview

While the complaint must be thoroughly read to identify the employment action in question, it is always necessary to interview the complainant to clarify the issues and circumstances involved. This opportunity should be used to obtain information about the company, the company's policies and practices as they pertain to the complained-of action, and the company officials involved in the action.

When interviewing the complainant, it is very important to stress the fact-finding nature of the investigation. It should be made clear that:

- OFCCP represents the government's interest in enforcing the Executive Order and the Acts
- Such enforcement is based on an objective evaluation of all the facts and information provided by both the complainant and the company
- OFCCP should not be viewed, nor will act, as the complainant's advocate or representative.

Contractor Notification of Onsite

When the investigative plan is developed as thoroughly as possible, the company is contacted by telephone to arrange for an onsite visit and to explain what the visit will entail. It is important during this contact to be able to cite the regulation that has allegedly been violated. Also at this time indicate to the contractor what records and documents must be available for review and which individuals will be interviewed during the onsite visit. Confirm this in a letter to the company.

ONSITE VISIT

The onsite visit includes:

- An entrance conference
- Interviews with management employees and other employee-witnesses
- Inspection and copying of relevant records and documents
- A facility tour, as necessary
- An exit conference.

The entrance conference is conducted with the facility's chief executive officer or designee. The nature of the investigative process, the purpose, and the length of the visit are explained. It is necessary to be very familiar with the regulatory rights of access to records and worksites.

It is very important to convey and maintain the appearance of an objective fact finder. In the role of fact finder, endeavor to obtain whatever facts and information are available to support or refute the contentions of the contractor and the complainant in the matter.

- Interview the contractor to hear his/her side
- Interview other key employees involved in the complaint. Keep written notes of these interviews and ask the interviewees to sign them
- Obtain and review relevant written company policies
- Obtain copies of other relevant documents, e.g., personnel, medical
- Identify and review actual company policies and practices.

Tour the worksite. This is especially important in cases involving a complaint from an individual with a handicap. In such situations, identify the duties the individual would perform by observing and interviewing others performing similar duties. Determine, as well, if others with similar handicaps have been or are employed at the facility.

An exit conference is held at the conclusion of the onsite investigation with a senior official (preferably the same person who was at the entrance conference). At this time, present a preliminary summary of findings and document rebuttal arguments made by the contractor. Explain that all the information gathered will be analyzed and an official notice of the results will be sent to both the contractor and the complainant. The contractor may be reminded that an attempt may still be made to resolve the complaint.

INVESTIGATIVE REPORT

Chapter 6G
FCCM

After the onsite investigation, recontact the complainant for his/her response to the contractor's viewpoint.

A written investigative report is prepared for the file. This report serves as the official government document confirming the investigative activities which have

been conducted. The report must be limited to factual information about the complaint and should not contain extraneous matter or personal opinion.

RESOLUTION OF THE INVESTIGATION

Chapter 6H FCCM

An official Notification of the Results of the Investigation (NRI), a summary of the facts and conclusions reached, is prepared if the complaint is still unresolved at the time the investigative report is complete. A copy of the NRI is sent to both the complainant and the contractor.

Chapter 6I, J FCCM

In the instance of a violation finding, i.e., in favor of the complainant, the contractor is invited to conciliate the matter. If the conciliation results in providing a remedy for the violation, the case is closed. The terms of the conciliation must be in writing. If satisfactory conciliation is not reached, the case is referred through the Regional Office to the Office of the Solicitor of Labor for enforcement action.

In the instance of a violation not being found, i.e., not in favor of the complainant, the case is closed.

Section 503 complainants can request reconsideration of a no violation finding to the Director of OFCCP.

Where a violation finding is not conciliated and is taken to enforcement, the contractor is provided an opportunity for a hearing before an Administrative Law Judge (ALJ).

CHAPTER 7 OVERVIEW OF SUPPLY AND SERVICE COMPLIANCE REVIEW

INTRODUCTION

Purpose

The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains non-discriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, national origin, handicap or veteran status.

Contracts with the Federal Government are awarded for two primary reasons:

- To obtain "supplies or services"
- To obtain "construction" work.

This chapter focuses on the compliance review process for supply and service contractors. Construction compliance reviews are covered in Chapter 8.

Selection

Contractors are selected for review by field office management on the basis of the Equal Employment Data System (EEDS) data, preaward information, complaints, and other pertinent criteria for making selection judgments.

EEDS, OFCCP's scheduling process, generates data reports that rank order employers in the system based upon the relative participation of minorities and women in the workforce.

CRIS

The compliance review process is tracked and monitored through its various stages via the Compliance Review Information System (CRIS). Throughout the review, the status and findings are recorded in the CRIS.

Compliance Review Functions

The five basic functions of the compliance review of supply and service contractors include:

- Review of the contractor's Affirmative Action Plan to ensure that it complies with the regulatory requirements
- Evaluation of the contractor's good faith efforts in implementation of the Affirmative Action Program
- Investigation of the contractor's employment policies and practices to ensure they are free from discrimination
- Provide technical assistance to the contractor to ensure that the contractor's program is an effective program that promotes equal employment opportunity
- Obtain through an appropriate closing document (i.e., Letter of Commitment or Conciliation Agreement) remedies for problem areas that were identified during the review process.

PREPARATION FOR REVIEW

SCRR I

In preparation for the review, a file is developed. It should include copies of the scheduling letter, as well as copies of letters to EEOC and the local or State Human Rights Commission. Generally, the file also includes:

- The EEDS Contractor Research Documentation Form
- CRIS Forms
  - CC100
  - CC100A
  - CC104
- A blank copy of the SCRR
- ESA 91
- Chronology Log (CC53)
- A quality audit checklist.

It is important to ensure that the employer to be reviewed is a Federal contractor. Determine general coverage of the contractor as well as AAP coverage.

Scheduling Letter

Chapter 2B FCCM

A scheduling letter must be sent to the contractor requesting submission of its Affirmative Action Plan (AAP) and personnel information.

The letter requests information for all three OFCCP programs:

- Executive Order 11246, as amended
- Section 503 of the Rehabilitation Act of 1973, as amended
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 USC 2012).

The scheduling letter is sent by certified mail. The contractor has 30 days from receipt of the letter to submit its AAPs and supporting data.

Other Letters

Chapter 2B
FCCM

Send and review responses to the letters from the Equal Employment Opportunity Commission (EEOC), Fair Employment Practices (FEP), and State Employment Service (SES). Contact these agencies if additional information is needed.

Technical Assistance

Chapter 2B
FCCM

After the scheduling letter has been received, the contractor is contacted by telephone to determine if technical assistance is required. This is also a good time to make contact with the EEO Director for preliminary introductions. If the contractor requests technical assistance, a meeting date is arranged which should be held in the OFCCP field office. Either at this meeting or by telephone, the contractor is:

- Advised of the requirements for an acceptable affirmative action program and the necessary supporting documentation
- Provided with an overview of the procedures used in conducting a compliance review.

Community Resource File

Chapter 2B
FCCM

Before the onsite review, examine the OFCCP community resource file to determine appropriate community action agencies capable of assisting the contractor in meeting affirmative action obligations. This file also has availability data for the contractor's geographic area.

best copy available

Office Files

Chapter 2B FCCM

Similarly, the office's files should be examined to determine whether the contractor's last review resulted in a Letter of Commitment (LOC) or a Conciliation Agreement (CA). In either of these cases examine the closing documents carefully and evaluate the contractor's actions to fulfill its prior commitments.

Show Cause Notice

Chapter 2C FCCM

If the AAP and supporting data have not been received within the 30 day period, the contractor is contacted by telephone to determine if the document has been mailed. A Show Cause Notice is issued if the document has not been mailed. This letter notifies the contractor that administrative enforcement action may be taken if the requested material is not submitted. All reviews which involve a Show Cause Notice must be closed with a Conciliation Agreement.

DESK AUDIT

Purpose

Chapter 2A FCCM

Upon receipt of the contractor's AAP and supporting data, a desk audit is conducted.

The desk audit is used to:

- Determine whether the contractor's AAP complies with regulatory requirements
- Examine the contractor's workforce structure
- Review personnel policies and procedures
- Evaluate the contractor's goal setting process and evaluate the contractor's good faith efforts to achieve goals
- Identify areas of potential discrimination for additional investigation.

Once the AAP is received, the compliance review should be completed within 60 days.

Review Period

Chapter 2C FCCM

It is important to note that the period covered during a compliance review encompasses at least the prior AAP year. If, however, the contractor has performed under the current plan for six months or more at the time the scheduling letter is received, then performance under the current plan, as well as the previous one, must also be analyzed.

Case Chronology

Chapter 2B FCCM

A case chronology is prepared for each compliance review. All telephone conversations, correspondence, and meetings are recorded from the date of initial contact with the contractor to the date the case closing documents are approved. Events are logged as they occur. This must be done meticulously and can prove to be invaluable in identifying violations.

SCRR

Chapter 2A
FCCM

The Standard Compliance Review Report (SCRR) provides a framework for conducting the compliance review. The SCRR is comprised of three parts that track both affirmative action and potential discrimination.

- Part A - Preparation

  Identifies:

  - Contractor's past compliance review history
  - Organizational structure
  - Overall EEO trends in the facility's workforce
  - Initial review of the AAP for completeness, reasonableness, and acceptability.

- Part B - Affirmative Action

  - Identifies problems with the AAP
  - Evaluates implementation of affirmative action efforts
  - Identifies areas for further onsite investigation.

- Part C - Potential Discrimination

  Includes review for:

  - Concentrations/underrepresentations of minorities and women
  - Impact ratio analyses (IRAs)
  - Compensation analyses
  - Analysis of potential discrimination problems.

AAP Principles

Chapter 2A
FCCM

Desk audits are conducted with three AAP principles in mind. First, equal employment opportunity requires that a contractor's personnel policies and practices not discriminate against any persons because of their race, color, religion, national origin, sex, handicap, or covered veteran status. Second, an affirmative action program specifies result-oriented policies and procedures to which a contractor makes a

commitment to apply good faith efforts. Finally, the affirmative action program must be complete, reasonable, and acceptable.

Completeness

Chapter 2E FCCM

In order to assure that these principles are being met, the contractor's AAP and supporting documentation are reviewed for completeness, reasonableness, and acceptability. To analyze completeness, first determine if the AAP is current and all of the required elements are present. Page four of the SCRR contains a listing of the essential elements of an AAP, as specified in the regulations. By using this as a guide, it can be noted if all required sections are included in the contractor's submission.

Reasonableness

Chapter 2E FCCM

For a submission to be considered reasonable, the workforce analysis, utilization analysis, and goals development must meet certain standards which are described below. If any of these components are missing or fail to meet the standards, a Show Cause Notice must be issued.

Acceptability

Chapter 2F, 2G FCCM

If the AAP has been determined to be current and reasonable, the next step is to determine its acceptability. See Chapter 2 of the FCCM for a discussion of the standards of acceptability.

Major elements of an AAP are the workforce analysis and the utilization analysis, including goals.

In order to be acceptable, the workforce analysis must contain a listing of job titles:

- In wage rate or salary order
- Within each department or similar organizational unit
- Indicating unit supervision and lines of progression.

Each job title must contain:

- The total number of incumbents
- The total number of males and females
- Racial designations (per the EEO-1 racial categories).

Utilization Analysis

Chapter 2G FCCM

The utilization analysis consists of the following steps:

First step - job group composition

Check the utilization analysis to see if it contains job groups which the contractor has established based on similar job content, wage rates, and opportunities. Job groups are generally comprised of jobs within the same EEO-1 category, i.e., first line supervisors, middle managers, executives, etc. are all in the category, "Officials and Managers." As a general rule, EEO-1 categories are not crossed when forming job groups. Exceptions may be made for very small job categories. The plan should include a listing of all the job titles which make up the individual job groups.

The contractor's job groups must be carefully analyzed to ensure that legitimate decisions were made in constructing the groups and that there was no obvious intent to avoid declarations of underutilization. Job groups should be large enough to be meaningful in determining underutilization and setting goals.

Second step - job group availability

Determine availability for each job group. Availability figures are used to compare incumbency in the group with a bottom-line availability. Eight factors must be considered in developing availability for minorities and women for each job group (see 41 CFR 60-2.11).

Third step - underutilization identification

Make sure the job groups which are underutilized for minorities and/or women are identified by comparing the percentage of minorities and women in each job group (incumbency) to the availability percentages for that job group. Underutilization occurs when there are fewer minorities or women in a particular job group than would be reasonably expected by their availability.

Goals

Chapter 2G
FCCM

If underutilization is identified in any job group for either minorities or women, the contractor must set annual goals. These are established separately for minorities and women. Goals for an underutilized job group must be expressed in percentages of minorities and women rather than the absolute number. They must be at least equal to availability of minorities or women for the job group.

In addition to job group goals, the regulations require that goals be established by organizational unit. These goals refer to action-oriented efforts rather than percentage goals. They are designed to correct identifiable imbalances among organizational units.

Goals should be significant, measurable, and attainable, by means of applying every good faith effort. Achievement of goals will result in an increase in the minority group/women representation in a job group. Where goals are not achieved, there must be sufficient documentation of contractor action which constitute good faith effort. When goals have not been established, the contractor must give reasons.

Onsite Review Plan

Chapter 2J
FCCM

Some problems with the AAP and supporting data may be resolved during the desk audit after further contact with the contractor. Other items will only be resolvable onsite, and an onsite review plan must be formulated. Identify any problems with the completeness, reasonableness, and/or acceptability of the AAP

and supporting data. To the extent possible, identify any potential discrimination. For each problem, describe actions taken at the desk audit to resolve it and/or actions planned for the onsite review. The plan should be specific and should outline the:

- Documents to be gathered
- Statistical data needed
- Employees to be interviewed
- Materials to be reviewed while onsite.

A written notification to the contractor should confirm the date and time of the onsite review and state the necessary materials to be reviewed onsite.

ONSITE REVIEW

Purpose

Chapter 3A FCCM

The two main purposes of the onsite phase of the compliance review are to investigate problem areas identified at the desk audit and to verify the contractor's implementation of its AAP. However, there are also other areas that can only be completed onsite, such as review for segregated facilities, inspection of I-9 forms, etc.

Entrance Conference

Chapter 3E FCCM

The onsite review begins with an entrance conference with the chief executive officer (or designee) of the facility. This conference is intended to provide information to this senior person and to explain the purposes of the compliance review. These include:

- A summary of the contractor's obligations
- The scope of the onsite review
- Anticipated onsite time
- Information needed while onsite

- The need to conduct interviews and the persons to be interviewed
- Arrangements for the exit conference.

It is very important to inform the contractor of potential problems without implication, remembering that an EOS is an objective fact-finder.

Facility Inspection

Chapter 3E FCCM

The facility inspection is an opportunity to become familiar with the contractor's operations, evaluate the meaning of information provided at the desk audit, to raise questions that might not be apparent from the desk audit, and to conduct brief and informal interviews. During the walk-through of the company's premises, be aware of:

- Consistency between minority and women numbers submitted and their actual presence in work areas
- Working conditions in different departments (noise, heat, hazard, etc.)
- Accessibility of work areas to individuals with handicaps
- Physical demands of various jobs
- Whether the company has appropriate EEO notices posted in areas visible to employees
- Evidence of men and women or minorities and nonminorities with different titles and pay scales performing similar work.

I-9, VETS-100 Forms

Other regulatory actions require the OFCCP investigator to inspect the INS (Immigration and Naturalization Service) Forms I-9 (called I-9 Forms) and the Federal Contractor Veterans' Employment Report (VETS-100).

Individuals with Handicaps and Covered Veterans

Chapter 3D, 3F, 3H, 3I
FCCM

In addition to compliance with Executive Order 11246, the contractor has obligations with regard to individuals with handicaps and covered veterans, under appropriate regulations discussed previously. While onsite, visually confirm the posting of EEO posters, policy statements, and invitations for self-identification.

Also check to see if reasonable accommodations have been made for individuals with disabilities and special disabled veterans. The following actions are examples of accommodations:

- Accessibility to the employment process
- Provisions of part-time work
- Flexible hours
- Changes in job duties
- Adjustments to work stations
- Provision of a reader or sign translator.

Pages 13a and 13b of the SCRR require information on the contractor's implementation of the requirements of the programs for individuals with handicaps and covered veterans.

Documentation

Chapter 3D
FCCM

During the onsite review, personnel files, payroll records, seniority rosters, and applications are primary sources of written documentation. Other important documents to review include labor agreements, policy and compensation manuals, posted job opening announcements, and company newsletters. Only pay attention to those documents and information relevant to the investigation. Where appropriate, make clear, concise copies of these documents for the case file.

Interviews

Chapter 3D, 3E FCCM

Interviews are another part of the information collection process. They may be conducted either formally, as a scheduled meeting with a structured list of questions, or informally during the facility inspection.

Reasons for interviews may include:

- Clarifying points raised during the desk audit
  - Organization
  - Structure
  - Personnel processes
  - Corporate culture
  - Personnel issues
- Gaining understanding of contractor's policies and procedures as viewed by the employer and employees; mapping the employment process
- Obtaining general information
- Investigating areas of potential discrimination
- Identifying additional areas for investigation.

The interviews are an opportunity to become more familiar with the employer's informal policies and procedures, and to relate these to written materials and practices. Before conducting interviews, develop a comprehensive plan. Target interviews to specific compliance issues by asking questions that will provide sufficient information to make a decision on whether or not to pursue an issue.

When interviews are conducted with non-management employees, the contractor cannot require that a management representative be present.

During interviews with management personnel speaking for management, a contractor may have an attorney or other representative present.

Each person who is formally interviewed must be aware that all information obtained during the interview will be documented. At the conclusion of the interview, a brief review of the questions asked and the answers given during the interview is conducted. These questions and answers are repeated back to the interviewee to confirm that direct quotes are accurate and paraphrases convey the intended meanings. The interviewee should be requested to sign and date the notes.

Good Faith Efforts

Chapter 3G FCCM

During the desk audit, the goal areas requiring further information on good faith efforts were identified. The onsite investigation of good faith efforts evaluates whether the contractor has developed and implemented plans and objectives that are likely to be effective in correcting underutilization.

Good faith efforts for internal placements may include the contractor's efforts to:

- Disseminate information about internal openings
- Provide training opportunities
- Provide encouragement to minority/women employees to apply for internal openings
- Review selection criteria and procedures with managers to ensure that:
  - They are familiar with the contractor's EEO policies
  - The selection criteria are nondiscriminatory.

Good faith efforts for external placements may include:

- Whether, when, and how the employer uses the recruitment sources for minorities and women listed in its AAP
- Whether the contractor uses other recruitment sources for minorities/women not included in its AAP
- The contractor's use of publications which target minorities and women
- Whether the contractor recruits at high schools, colleges, and universities which enroll large numbers of minorities and women.

Discrimination Investigation

The onsite review must include investigation of any areas of potential discrimination identified during the desk audit or onsite. FCCM Chapters 3 and 7 discuss employment discrimination.

Compliance with Regulations

41 CFR Part 60-20, 41 CFR Part 60-50

During the onsite review, check for compliance with all applicable regulations, paying particular attention to determining compliance with the Sex Discrimination Guidelines and Guidelines on Discrimination Because of Religion or National Origin. The OFCCP Manual provides procedural guidance.

Linkage

Chapter 3G, 3J FCCM

Another routine part of the compliance review is linkage which involves OFCCP efforts to facilitate and encourage working relationships between contractors and community recruitment resources. To review

linkage, verify if contractors have used linkage to help make good faith efforts to achieve their affirmative action objectives. During the course of a compliance review, actions can be taken to assist the contractor in establishing linkage:

- Identify job groups in the employer's workforce where there was employment activity, but the goals were not met
- Evaluate the contractor's good faith efforts to identify sources for minorities and women for underutilized job groups where there was activity, but goals were not met
- For job groups where underutilization is shown, contact appropriate linkage resources to obtain information on availability of applicants and trainees for appropriate jobs
- If a resource indicates that it can provide applicants or trainees and the contractor has not demonstrated good faith efforts, include the employer's commitment to use the linkage source in the Letter of Commitment or Conciliation Agreement.

Exit Conference

Chapter 3S FCCM

The onsite review concludes with an exit conference held with the CEO and staff at the facility. At this meeting:

- Outline the results of the compliance review to the contractor
- Identify violations and corrective actions
- Inform the contractor that the written results of the compliance review will be forthcoming
- Review the types of resolution documents the contractor may receive.

VIOLATION NOTICES

Chapter 3P, 3T, 3V, 8 FCCM

A sequence of violation notices are issued, as appropriate, throughout the review. When a compliance review is completed, the contractor receives written notification of the results of the review. During this process the following notices may be issued.

Predetermination Notice

A Predetermination Notice is used when a potential problem of pattern or practice discrimination is found. The contractor is notified of the potential problem via the Predetermination Notice and afforded an opportunity to respond to this allegation. The contractor's rebuttal is evaluated.

If the contractor adequately rebuts all the issues raised in the Predetermination Notice the review process continues to completion.

If the contractor adequately rebuts some of, but not all of, the issues raised in the Predetermination Notice, the EOS makes note of the area that is still potential employment discrimination. Any remaining issues from the Predetermination Notice and any other unresolved review issues (e.g., affirmative action issues, individual discrimination) are incorporated into a Notice of Violations.

Notice of Violations

A Notice of Violations includes a description of all alleged violations found during the review, the corrective actions and remedies sought, and invites conciliation to resolve the issues. Resolution will be in the form of a Letter of Commitment or a Conciliation Agreement, depending on the severity of the violations. A Letter of Commitment is used for minor deficiencies. A Conciliation Agreement is used to resolve major deficiencies.

Notice of Review Completion

A Notice of Review Completion is issued when no deficiencies are found or when deficiencies have been resolved in a Letter of Commitment or Conciliation Agreement.

Enforcement

Where the contractor does not correct or remedy the deficiencies, then OFCCP refers the case to the Office of the Solicitor with a recommendation for formal enforcement proceedings.

CHAPTER 8 CONSTRUCTION COMPLIANCE REVIEW PROCESS

OVERVIEW

The construction industry is different, in many ways, from other industries that fall within the OFCCP jurisdiction; most of a construction contractor's workforce is temporary, hired for the job. Construction contractors generally do not have a permanent workforce. Also, unlike other industries that recruit from various external sources and/or utilize internal promotion as a traditional means of filling vacancies, construction contractors do not. A construction contractor employs workers who specialize in various trades e.g., plumbers, electricians. Trades unions are often relied upon to provide the needed apprentice (trainee) or journey (experienced) workers. (Note: Construction contractors can also hire a worker "off the street" and then go to the union.)

There are four major types of construction projects. These are:

- Residential construction
- Building construction e.g., office buildings
- Heavy construction
- Highway construction

Construction Compliance Review Functions

The six basic functions of a construction compliance review are the same as the functions for a supply and service review.

Difference from Supply and Service Reviews

Due to the unique nature of the construction business, construction contractors do not develop individual affirmative action programs for minorities and women. Instead goals are established by the government and a construction contractor must demonstrate good faith efforts to meet them. This process is described in this

section. However, construction contractors, with direct construction contracts (as opposed to federally assisted) must develop written AAPs for individuals with handicaps and covered veterans.

Another difference is that, except for some pre-review preparation, all of the construction compliance review process is conducted onsite. There is no desk audit phase of the review process.

Coverage

41 CFR Part 60-4

All contractors and subcontractors which hold any Federal or federally assisted construction contracts in excess of $10,000 are covered by 41 CFR Part 60-4.

Chapter 4B FCCM

A Federal construction contractor/subcontractor is one who has a direct contract with an Executive Branch Agency of the U.S. Government. A federally assisted construction contractor is one who has a contract or subcontract with a city or state agency or other organization who in turn is receiving Federal funds in the form of grants from the U.S. Government.

A direct Federal construction contractor is subject to the regulations for individuals with handicaps and Vietnam era/disabled veterans, namely Section 503 (41 CFR Part 60-741) and 38 USC 2012 (41 CFR Part 60-250), and a federally assisted construction contractor is not.

These regulations are applicable to Federal and non-Federal work. If a Heavy Highway Plan or a Hometown Plan exists in the area being reviewed, follow the provisions listed in 4B04 of the FCCM. Other regulations applicable to construction contractors are also found in 4B of the FCCM.

Goals

All construction contractors have an obligation not to discriminate and are also required to take affirmative action. To satisfy its affirmative action obligations a construction contractor must take specific actions which are listed in the regulations and commonly

referred to as the "16 Good Faith Steps" under the "Standard Federal Equal Opportunity Specifications." Construction contractor compliance is based on its implementation of the equal opportunity clause, the 16-good faith steps, and its efforts to meet the goals established for minority and women participation in each trade on all construction work. Construction goals are based on a percentage of the hours minorities and women work out of total contract hours. This includes all construction contracts (not just Federal construction contracts). Presently the goals for women in all crafts are 6.9%. The goals for minorities vary across the country and are based on the local demographics of available minority populations.

CC-257 Forms

Construction contractors are required to record the hours worked by all employees. Also recorded, by trade, are the hours worked by minorities and women. For certain construction contractors, these hours are reported on the CC-257 form (Monthly Employment Utilization Form-detailed in 4C02 of the FCCM).

COMPLIANCE REVIEW PROCESS

Selection

Managers choose construction contractors to review for compliance with the regulations. The decision of which construction contractor to review is based, in part, on reviewing the list of construction contractors and subcontractors that have (or have had) Federal or federally assisted construction contracts which are under OFCCP jurisdiction. This information is maintained in the EEDS. The decision to review a specific construction contractor is also based on information from:

- The Dodge Report
- Complaints
- Number of work hours (257's).

Construction Compliance Review Process

Purpose

The purpose of a construction compliance review is to evaluate the equal opportunity posture of a construction contractor. Included in the review process are steps to:

- Verify reported work hours
- Determine uniformity of employment of minorities and women throughout the contract and at each project
- Evaluate affirmative action efforts.

Process

The construction SCRR is a tool which provides a format for and guidance on completing the steps in a construction compliance review. The major steps include:

- Pre-Review Preparation
- Onsite Review
- Compliance Review Report
- Notification of Compliance Review Results.

PRE-REVIEW PREPARATION

Jurisdiction

The first step in the review process, before collecting any background information on a construction contractor, is to establish coverage.

Scheduling

Chapter 4E FCCM

After jurisdiction is confirmed, schedule the compliance review. This is done by notifying the senior official at the construction contractor's establishment by telephone. Establish that the contract is still open and discuss the following:

- A date for the review
- Notification of I-9 Inspection

- The need for an onsite work area for approximately two-three days
- Arrangements for all necessary books and records.

Send a scheduling letter confirming this information by certified mail, return receipt requested.

Compliance History Review

SCRR I

Contact other appropriate government agencies and request any information they may have regarding any complaints against the construction contractor.

Review the construction contractor's compliance history by examining:

- Office case files
- Previous CA's or LOC's
- CC-257 forms, if required
  - Summarize contractor's workforce on the SCRR
- Whether notification has been provided to OFCCP of the awarding of covered subcontracts.

ONSITE REVIEW PROCESS

The onsite review process for a construction compliance review is similar to the onsite review phase of a supply/service review. There are seven basic steps in the onsite review process. They include:

- Entrance conference
- Review of records

- Audit of affirmative action specifications
  - 16 good faith effort steps
- Employee/supervisor interviews
- Physical inspection of contractor's worksites
- Identification and resolution of affected class issues
- Exit conference.

Entrance Conference

The onsite portion of the compliance review process begins with an entrance conference with the construction contractor's CEO or designee. Several important points are covered in this meeting. Such as:

- The purpose of the compliance review
- Actions that will be taken and information needed
- The duration of the onsite
- How findings will be communicated
- Arrangements for the exit conference.

Review of Records

Chapter 4H FCCM

During the process of reviewing records, note any matters which appear questionable. Follow-up on these matters by interviewing employees and other relevant persons.

I-9 Forms

Chapter 3 FCCM

Inspect the construction contractor's I-9 forms.

Payroll Records

SCRR II

Conducting a complete evaluation of the goal achievements by the construction contractor is achieved through several steps. One of these is a review of payroll records for goal attainment. This is completed through conducting a utilization verification and employee utilization (SCRR II A, B). These reviews are conducted to determine compliance with the work hour utilization goals for minorities and women in each trade.

Another step is to validate the hours submitted on the CC-257 forms (where required) by checking their consistency with payroll or pension fund records.

> **NOTE:** Pension fund records are equally as accurate as payroll records, but not as voluminous. Also, pension reports consolidate an individual's hours worked on all project sites during the reporting period.

Also review records to determine:

- Uniformity of assignment

Ensure that women and minorities have had an opportunity to perform on both Federal and non-Federal sites. The transfer of minorities and women from project to project, or contractor to contractor, for the sole purpose of meeting goals is a violation of 41 CFR Part 60-4.

- Equitable overtime.

The construction contractor's reported work hours rarely agree with hours from payroll or pension records. A common reason for these discrepancies are different pay period combinations. Where substantial discrepancies exist between hours reported

and hours extracted from payroll and/or pension reports, ask the construction contractor for an explanation and follow-up in employee interviews.

Evaluate goal achievement for **both** women and minorities in **all trades**.

Good Faith Effort Steps

Where goals have not been met, obtain evidence to show the extent to which the construction contractor has utilized the 16 good faith effort steps. This audit of affirmative action provides verification of attempts by the construction contractor to provide employment opportunities to minorities and women. Remember construction reviews are not "cut and dry". There is flexibility if good faith efforts have been followed. The SCRR III provides a format to conduct a review of each of these steps. Section III of the SCRR also provides veteran/handicap affirmative action requirements.

Compliance with Other Regulations

All construction contractors, whether involved in Federal or federally assisted work, must be able to demonstrate compliance with 41 CFR Part 60-20 and 41 CFR Part 60-50. Those construction contractors with a Federal contract or subcontract of $10,000 or more are also required to comply with 41 CFR Part 60-250. Those with a Federal contract or subcontract in excess of $2,500 are required to comply with 41 CFR Part 60-741.

Interviews

Chapter 3 FCCM

There should be some specific information being sought/verified when conducting an interview of the construction contractor's employees.

Work Site Inspection

Chapter 4N FCCM

At least one construction worksite should be inspected as part of the compliance review. The purpose and specifications for this inspection are covered in chapter 4 of the FCCM and IV of the construction SCRR.

SCRR Completion

Chapter 4Q FCCM

Complete the construction SCRR by filling out summary information in sections V and VI.

Identification and Resolution

Chapter 3,7 FCCM

The information obtained from the construction compliance review must be analyzed to determine whether employment discrimination exists. The FCCM contains a detailed description of these procedures. They are directed at supply and service reviews, but may be adapted for use in construction compliance reviews.

Exit Conference

Chapter 4R FCCM

The exit conference is attended by the CEO or designee at the conclusion of the onsite review. Since it is important to keep the contractor appraised of findings throughout the review, there should be little in the way of unexpected findings presented here. This meeting will provide an opportunity to:

- Outline the results of the review to the contractor
- Identify violations and corrective actions
- Inform the contractor of further notice
- Review the types of resolution documents.

RESULTS

Notification of Results

Chapter 4S, T, U FCCM

A notification of results will be either for a finding of apparent compliance or a finding of non-compliance.

A finding of apparent compliance results in issuing a letter of "no apparent violations".

A finding of non-compliance results in issuing a "notice of violations". The nature of a violation determines whether it may be resolved through a Letter of Commitment (LOC) or a Conciliation Agreement (CA).

Substantial Compliance

Chapter 4T, U FCCM

Substantial compliance relates to good faith efforts by the construction contractor to meet its obligations. There are various factors to consider in making this determination which are covered in the FCCM.

Enforcement

Chapter 8 FCCM

Violations which cannot be resolved in a LOC or CA are referred to the Office of the Solicitor for enforcement.

Due to the technical nature of the SOL's presentation, an outline rather than detailed text on Legal Overview has been included in the Participant's Manual.

OVERVIEW

I. Organization of SOL

A. Civil Rights Division
B. RSOL
C. Relationship to OFCCP (including JRC)

II. Case Processing by SOL

A. Enforcement Referral by OFCCP
B. Case Analysis by SOL

1. Requirements for OFCCP file
2. Procedural prerequisite and legal significance of each
3. Common problems with OFCCP files

C. Presuit Procedures - Conciliation
D. 41 CFR Part 60-30: Explanation and OFCCP Role

1. Discovery
2. Trial
3. Administrative appeal

E. APA Review
F. Consent Decree Monitoring
G. Debarment

III. Introduction to Theories of Discrimination

A. Executive Order 11246

1. Disparate Treatment
2. Disparate Impact

B. Section 503

1. Traditional model - 41 CFR Part 60-741
2. Disparate Treatment
3. Mixed Motive
4. Common elements of each

COURSE REVIEW

The New EOS Orientation/Training Course has presented an overview of the role of an EOS and reviewed the tools needed to do an effective job.

Throughout this course there have been opportunities to:

- Meet top officials within the agency and representatives from community groups
- Learn about the origins of the Office of Federal Contract Compliance Program (OFCCP)
- Become familiar with all the regulations that fall under OFCCP's authority
- Review the management process and administrative procedures
- Discuss supply and service and construction reviews, as well as complaint investigations
    - The compliance review process accounts for 85% of OFCCP's activities, complaint investigations account for for the balance.
- Review the conciliation and enforcement process.

USE OF PARTICIPANT'S MANUAL

This Participant's Manual has been designed as a working aid. It provides an overview of the course and information for future use. Use it as a refresher on the course content and as a source of information in the months and years to come.

CLOSING REMARKS

The job of an EOS is one requiring objectivity, honesty, and personal integrity. In the civil rights movement the EOS plays a vital role by ensuring fair and equal treatment of everyone.

Ensuring fair employment practices is a very important job. Working with a wide variety of companies will at times prove difficult. However, the job will also be fulfilling and challenging and provide diversified opportunities. Remember that it takes time to learn to be an effective EOS. According to suggestions made by experienced people in the field, it is important to:

>> At all times be objective.

- Be open-eyed and open-minded to the facts.
- Recognize your biases and fears and learn to deal with them.
- Be understanding intellectually and emotionally.
- Avoid conflicts-of-interest.

>> Be confident in your position.

- Remember that the weight and authority of the law are behind you. This will help to make you more comfortable telling contractors about identified problems.
- Be patient, yet professional.
- As you gain experience in conducting reviews, your confidence will build.

>> Dress for the industry.

- Realize that appropriate attire for one industry (i.e., construction) is different from that of another industry (i.e., banking).

Suggestions

> > Be up-front with contractors.

- Avoid surprises.
- Let contractors know what you are doing and why you are doing it.
- Be sure all of your data are accurate and document everything.
- Inform contractors of your findings.

> > Take advantage of your resources.

- Remember that you are not alone.
- Talk to experienced people. They will prove to be good resources.
- Talk with others about the nature of the specific industry and the contractor who you will be reviewing.

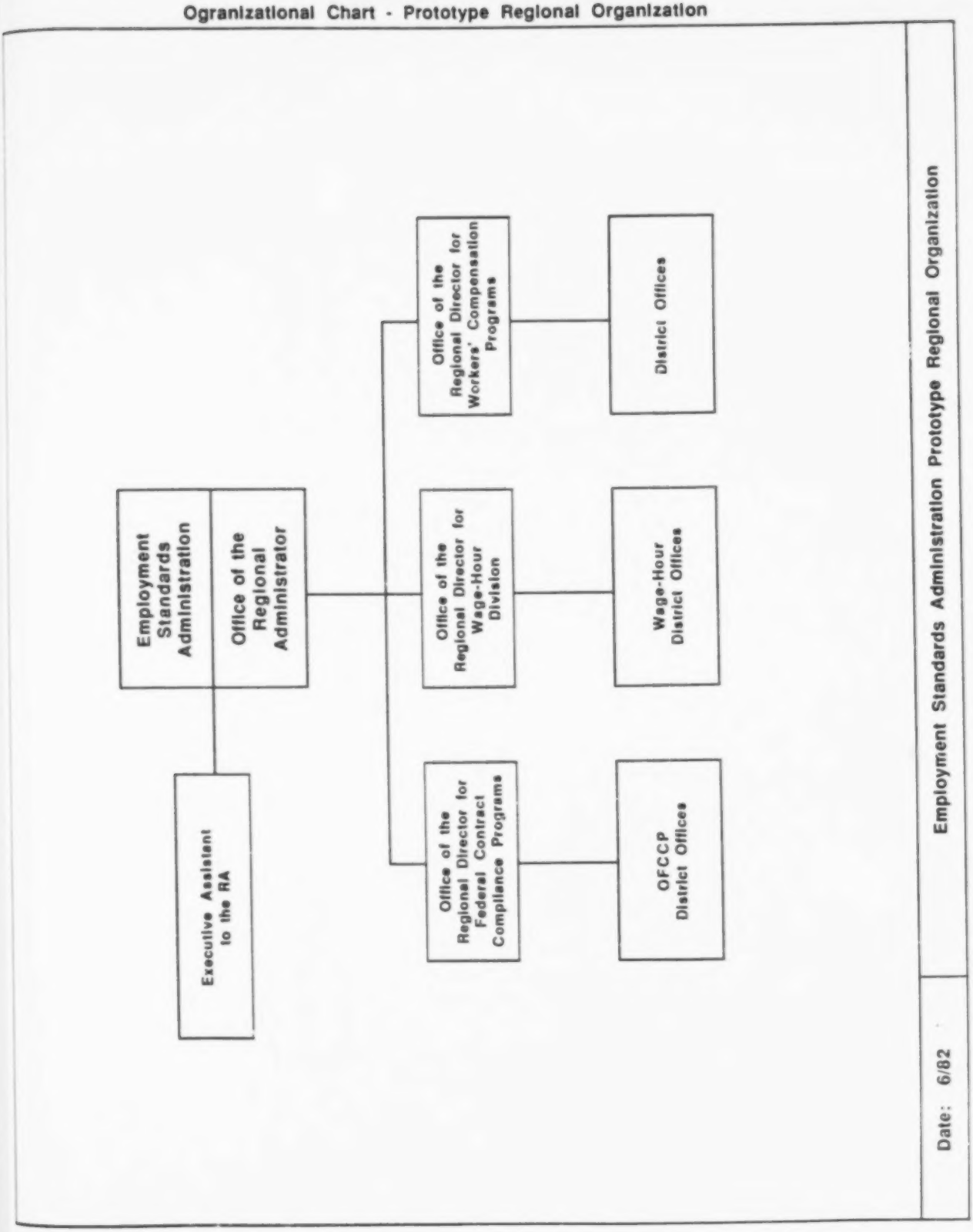
Organizational Chart - DOL

Office of Administrative Law Judges
Benefits Review Board
Employees' Compensation Appeals Board
Wage Appeals Board
Office of Small and Disadvantaged Business Utilization
Office of Administrative Appeals
Office of the Secretary of Labor
Office of the Deputy Secretary of Labor
Executive Secretariat
Office of Congressional Affairs
Bureau of International Labor Affairs
Office of Inspector General
Office of the Assistant Secretary for Administration and Management
Office of Public and Intergovernmental Affairs
Women's Bureau
Office of the Assistant Secretary for Policy
Bureau of Labor-Management Relations
DOL Academy
Office of the Solicitor
Occupational Safety and Health Administration
Employment and Training Administration
Office of Labor Management Standards
Mine Safety and Health Administration
Pension and Welfare Benefits Administration
Veterans' Employment and Training Services
Employment Standards Administration
Bureau of Labor Statistics
U.S. Department of Labor
Date: 3/88

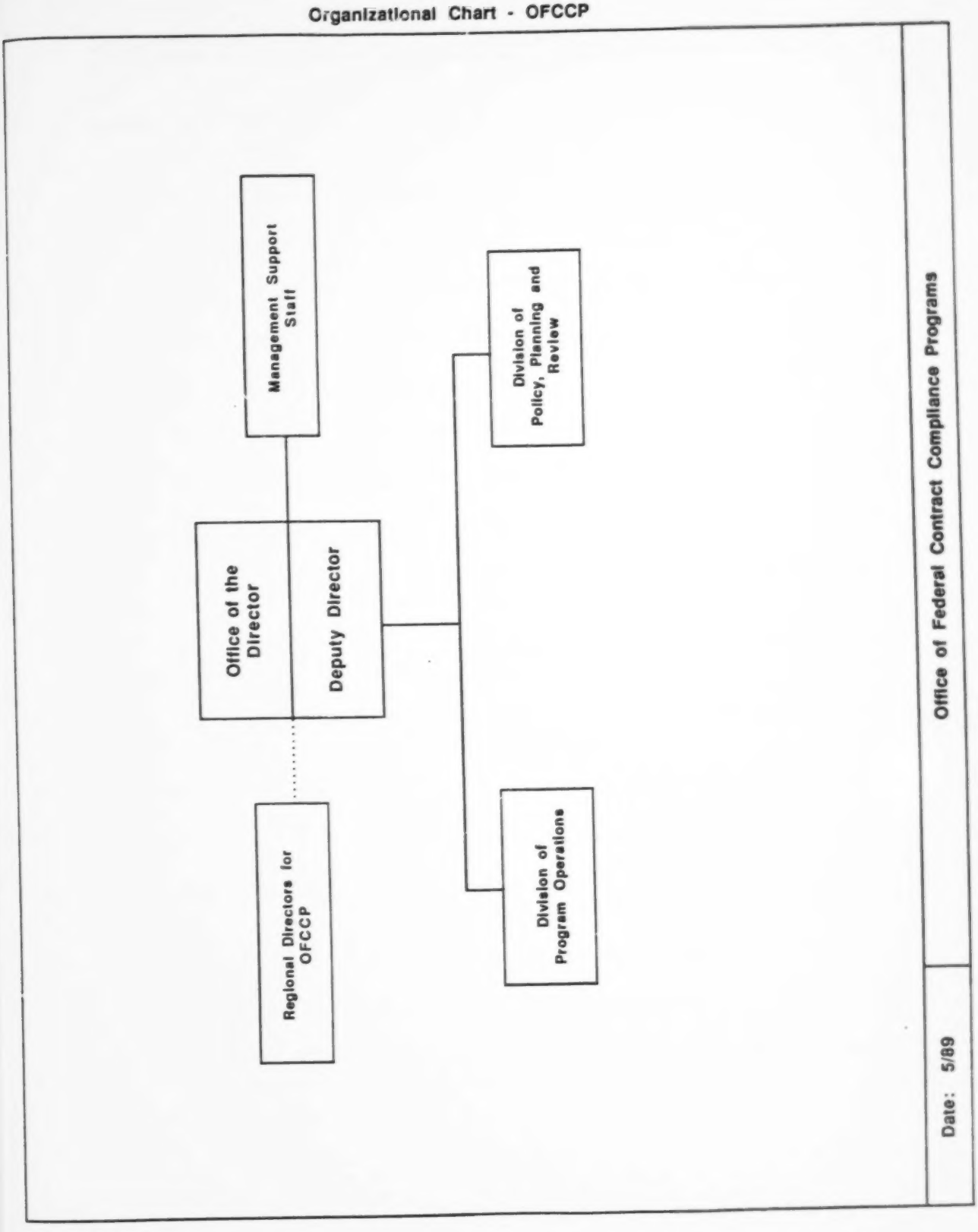
Organizational Chart - ESA

Employment Standards Administration
Office of the Assistant Secretary
Deputy Assistant Secretaries
Office of Information and Consumer Affairs
Office of State Liaison and Legislative Analysis
Office of Federal Contract Compliance Programs
Regional Offices
Office of Management, Administration and Planning
Office of Workers' Compensation Programs
Equal Employment Opportunity Unit
Wage and Hour Division
Date: 11/87

Ogranizational Chart - Prototype Regional Organization


Employment Standards Administration
Office of the Regional Administrator
Executive Assistant to the RA
Office of the Regional Director for Workers' Compensation Programs
District Offices
Office of the Regional Director for Wage-Hour Division
Wage-Hour District Offices
Office of the Regional Director for Federal Contract Compliance Programs
OFCCP District Offices
Date: 6/82
Employment Standards Administration Prototype Regional Organization

Organizational Chart - OFCCP



NUMBERED FORMS

No.	Name	Explanation
4	CC-4	Complaint Form
41	CC-41	Administrative Committee Quarterly Report
50	SF-50	Notice of Personnel Action Form
56	CC-56	Time Sheet
58	CC-58	Complaint Report Sheet
58a	CC-58a	Financial Payments Sheet
71	SF-71	Request for Leave Form
73	CC-73	Quality Audit form to be completed by the EOS for each supply and service review
74	CC-74	Quality Audit form to be completed by the EOS for each construction review
75	CC-75	Quality Audit form to be completed by the EOS for each complaint investigation
100	CC-100	Form forwarded to the Regional Office to initiate the computer tracking system at the time the contractor is sent the "scheduling letter"
100a	CC-100a	Form generated by the computer and returned to the District/Area office after submission of the CC-100
104	CC-104	Used to track financial settlements
171	SF-171	Federal Employment Application
257	CC-257	Document used by construction companies to report monthly hours worked by tradesworkers

REGULATIONS

These regulations are listed in numerical order. References are to Title 41 Chapter 60 of the Code of the Federal Regulations.

Part

60-1 - Obligations of contractors & subcontractors

60-2 - Affirmative action programs

60-3 - Guidelines on employee selection procedures

60-4 - Construction contractors-affirmative action

60-20 - Sex discrimination guidelines

60-30 - Administrative proceedings for enforcement

60-40 - Examination & copying OFCCP documents, not currently in use

60-50 - Religion & national origin discrimination

60-60 - Contractor evaluation procedures

60-250 - Affirmative action for disabled veterans & veterans of the Vietnam era

60-741 - Affirmative action for handicapped workers

AAP - Affirmative Action Program

ADD - Assistant District Director

ALJ - Administrative Law Judge

BAT - Bureau of Apprenticeship and Training

BNA - Bureau of National Affairs

CAS - Complaint Administration System (Computer input)

CCH - Commerce Clearing House

CFR - Code of Federal Regulations

CRIS - Compliance Review Information System (Computer input)

CA - Conciliation Agreement

DD - District Director

DOL - Department of Labor

E.O. - Executive Order

EEDS - Equal Employment Data System

EEOC - Equal Employment Opportunity Commission

EEO-1 - Equal Employment Opportunity reports (filed annually by employers with the Joint Reporting Committee

EOS - Equal Opportunity Specialist

ESA - Employment Standards Administration

FCCM - Federal Contract Compliance Manual

FEP - Fair Employment Practice (State organizations)

FPDS - Federal Procurement Data System

FR - Federal Register

IR - Impact Ratio

Acronyms

IRA - Impact Ratio Analysis

JAAR - Job Area Acceptance Range

JTPA - Job Training Partnership Act

LOC - Letter of Commitment

MSA - Metropolitan Statistical Area

NRI - Notification of the Results of the Investigation

OASAM - Office of Administrative Services and Management

OFCC - Office of Federal Contract Compliance

OFCCP - Office of Federal Contract Compliance Programs

PERMIS - Personnel Management Information System

PMS - Performance Monitoring System

QR&A - Quarterly Review and Analysis

RD - Regional Director (for OFCCP)

SCRR - Standard Compliance Review Report

SES - Senior Executive Service in Federal Government

SES - State Employment Service

SIC - Standard Industrial Classification

SOL - Solicitor of Labor

TERO - Tribal Employments Rights Officer

TRIS - Time Reporting Information System (Computer input)

VETS - Veterans' Employment and Training Service

Administrative Practices Binder

Code of Federal Regulations (CFR)

Directives System

An Ethics Handbook for Department of Labor Employees

Fair Employment Practices (FEP) Cases

Federal Contract Compliance Manual (FCCM)

Federal Register

Legal Opinions and Case Summaries Binder

NOTE: Each OFCCP office may have additional printed materials available for use in connection with compliance reviews and complaint investigations, as well as for technical assistance. These may include OFCCP publications highlighting the rights available to employees and applicants under each of the three programs enforced, INS publications concerning I-9 requirements, and books published annually, such as *CORPORATE AFFILIATIONS*, and regional and state directories of manufacturers.

* U.S. GOVERNMENT PRINTING OFFICE: 1990--262-288/28257